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| 10/612,092      | 07/03/2003  | Takayoshi Togino     | 12219/36            | 5806             |

7590 09/19/2006

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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2872

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/612,092

Applicant(s)

TOGINO, TAKAYOSHI

Examiner

Arnel C. Lavarias

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 2-10 and 25-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 11-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments to the specification and abstract of the disclosure in the submission dated 7/17/06 are acknowledged and accepted. In view of these amendments, the objections to the specification in Sections 9 and 11 of the Office Action dated 3/16/06 are respectfully withdrawn.
2. The amendments to Claim 1 in the submission dated 7/17/06 are acknowledged and accepted. In view of these amendments, the objections to the claims in Section 12 of the Office Action dated 3/16/06 are respectfully withdrawn.

### ***Response to Arguments***

3. The Examiner notes that no Rule 132 declaration or certified translation of priority document JP2002206860 was received in the response filed 7/17/06.
4. The Applicant argues that, with respect to newly amended Claim 1, as well as Claims 11-13 which depend on Claim 1, none of Morita et al., Yano, and Kessler et al. disclose a first display device displaying a first image to be viewed by a first viewer in a first direction, and a second display device displaying a second image to be viewed by a second viewer in a direction different from the first direction. After reviewing Morita et al., Yano, and Kessler et al., the Examiner agrees, and respectfully withdraws the rejections in Sections 15-17 of the Office Action dated 3/16/06.
5. Claims 1, 11-24 are now rejected as follows.

***Priority***

6. The Applicant's claim for priority under 35 U.S.C. 119(a)-(d) is objected to. The instant application declares Takayoshi Togino as the sole inventor of the subject matter being claimed and additionally claims priority to prior applications JP2002-206860 filed 7/16/02 and JP2002-304555 filed 10/18/02. However, these prior applications identify Kokichi Kenno as the sole inventor, which is different than that of the instant application. MPEP 201.3 specifically states that to receive benefit of the filing date of a prior application filed in a foreign country, the foreign application must have been filed by the same applicant (inventor) as the applicant in the US, or by his or her legal representative or assigns.

***Oath/Declaration***

7. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

37 CFR 1.63-1.64 states that the oath or declaration must be made by all of the actual inventors, except as provided in 1.42, 1.43, 1.47, or 1.67. The instant application declares Takayoshi Togino as the sole inventor of the subject matter being claimed and additionally claims priority to prior applications JP2002-206860 filed 7/16/02 and JP2002-304555 filed 10/18/02. However, prior applications JP2002-206860 and JP2002-304555 identify Kokichi Kenno as the sole inventor, which is different than that of the instant application. It is unclear who the actual inventor is for the instant application.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(f) he did not himself invent the subject matter sought to be patented.

9. Claims 1, 11-24 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter.

The instant application declares Takayoshi Togino as the sole inventor of the subject matter being claimed, which includes the features recited in Claims 1, 11-24.

Additionally, the instant application claims priority to prior foreign applications JP2002-206860 filed 7/16/02 in Japan and JP2002-304555 filed 10/18/02 in Japan. These prior foreign applications identify Kokichi Kenno as the sole inventor, which is different than that of the instant application. Japanese publication JP2004-102204, published 4/2/04 in Japan, identifies Kokichi Kenno as its sole inventor, and similarly claims priority to prior foreign application JP2002-304555. After reviewing the JP2004-102204 publication, it appears that the drawings of the instant application are exactly the same as that of the JP2004-102204 publication, the subject matter claimed in the instant application appear to be disclosed in the JP2004-102204 publication, and the abstract of the instant application appears to be very similar to that of the English abstract of the JP2004-102204 publication. In addition, the specification of the instant application appears to be fully disclosed by the English-equivalent specification of the JP2004-102204 publication. It is unclear who the correct inventor is of the claimed subject matter recited in the instant application. Additionally, it appears that claimed subject matter recited in the instant

application may have been derived from the prior foreign applications JP2002-206860 and JP2002-304555 and the published JP2004-102204 publication.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al. (U.S. Patent Application Publication US2003/0133191A1), of record, in view of Nakazawa et al. (JP 06-230738A).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance

with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Morita et al. discloses a projection viewing system (See Figures 1-6, 14-17), comprising at least a first display device displaying a first image to be viewed by a first viewer (See for example 1R, 1L, 1Ra, 1La, viewer including 4R, 4L in Figures 1-6; Paragraph 0032); at least a first projection optical system (See for example 1R, 1L in Figures 1-6; Paragraph 0032); a diffusing plate (See for example 5 in Figures 1-6; Paragraph 0032-0033, 0035); an eyepiece optical system (See for example 3 in Figures 1-6; Paragraphs 0033, 0035); wherein the first projection optical system projects an image appearing on the first display device in a first direction toward the first viewer (See for example 1R, 1L in Figures 1, 3-4, 14, 16-17), the diffusing plate is located near to images projected through the first projection optical system (See 5, 4R, 4L in Figures 1-6), and the eyepiece optical system projects exit pupils of the first projection optical system onto a viewer side (See 3, 4R, 4L in Figures 1-6). Morita et al. additionally discloses the diffusion surface being provided on at least one surface of the eyepiece optical system (See for example Figure 8); the diffusion plate comprising a transmission type hologram (See for example Paragraph 0034, 0058); and the eyepiece optical system comprising a concave mirror (See for example Paragraph 0033, 0044; Figure 9); and the concave mirror comprising a Fresnel concave reflective mirror (See for example Paragraph 0033, 0044; Figure 9). Morita et al. lacks a second display device displaying a second image to be viewed by a second viewer in a direction different from the first direction, and a

second projection optical system. However, Nakazawa et al. teaches a conventional display system that utilizes multiple screen displays (See Abstract; Figure 1). In particular, Nakazawa et al. teaches a first display device displaying a first image to be viewed by a first viewer (See for example 105, 107 in Figure 1) in a first direction, and a second display device displaying a second image to be viewed by a second viewer in a direction different from the first direction (See 106, 108 in Figure 1); at least a first projection optical system and a second projection optical system (See 105, 106 in Figure 1); a diffusing plate (See 101, 103 in Figure 1); the diffusing plate being located near to images projected through the first projection optical system (See 109 in Figure 1). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second display device display a second image to be viewed by a second viewer in a direction different from the first direction, and a second projection optical system, as taught by Nakazawa et al., in the projection viewing system of Morita et al., to allow for multiple, different images/videos to be viewed simultaneously by different observers at different locations, while preventing overlapping from occurring.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Arnel C. Lavarias  
Primary Examiner  
Group Art Unit 2872  
9/15/06